

Express Mail No.: EV 678 763 302 US  
Appl. No. 10/789,294  
Reply to Office action of February 8, 2006

**REMARKS**

This Amendment and Response is responsive to the final Office action dated February 8, 2006.

**I. Information Disclosure Statement**

An Information Disclosure Statement is enclosed with this Amendment and Response. Applicant recognizes the Examiner's substantial burden associated with reviewing large quantities of references. In an effort to reduce this burden and to make the Examiner's review of cited references more efficient, we have worked to cite in the attached Information Disclosure Statement only references that might be of additional interest to the Examiner, which are listed on the enclosed Form PTO/SB/08A.

**II. Amendments to the Claims**

Claims 1-22, 24, 36, and 37 are pending in the above-identified application, with claims 7-18, 21, and 22 currently withdrawn from consideration. Claims 1 and 24 are considered generic.

Independent claims 1 and 24 are amended herein to clarify how the operable connection of the interconnection assembly and interconnection member with the treadle assemblies effects the relative pivotal movement of the treadle assemblies. The amendments made to claims 1 and 24 do not change the meanings of interconnection assembly and interconnection member, and as such, are not considered narrowing amendments related to patentability.

**III. Indication of Allowable Subject Matter**

Applicants thank the Examiner for the indication that claims 3-6, 19, and 20 contain allowable subject matter and would be allowable if appropriately rewritten in independent form, including all of the limitations of their respective base claims and any intervening claims.

We have not amended the claims as suggested and reserve the right to do so in a subsequent response.

**IV. Rejection of Claims 1, 2, 24, 36, and 37 under 35 U.S.C. § 102**

In the Office action, claims 1, 2, 24, 36, and 37 are rejected under 35 U.S.C. § 102(b) as being anticipated by Piaget et al. (U.S. Pat. No. 5,336,146, hereinafter "Piaget"). Under 35

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U.S.C. § 102, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP § 2131. There is at least one aspect of the invention defined by independent claims 1 and 24 not taught or suggested by the Piaget reference.

Claim 1 recites “an interconnection assembly operably coupled between the first treadle assembly and the second treadle assembly” and “at least one resistance element operably coupled with the interconnection assembly.” *See lines 6-10 of claim 1.* In addition, claim 24 recites “an interconnection member operably connected with the first treadle assembly and with the second treadle assembly” and “at least one resistance element operably associated with the interconnection member.” *See lines 8-12 of claim 24.*

Piaget discloses a treadmill device with two side-by-side treadmills having ends pivotally supported on a frame with each treadmill having continuous treads. See Piaget, Abstract; and Figs. 1-3. The Piaget reference includes a motor with a transmission arranged to drive the treadles. The motor and transmission are not an interconnection assembly and resistance element as set forth in claims 1 and 24. However, in the Office action, to sustain an anticipation rejection of claims 1 and 24 under Piaget, the motor transmission of Piaget is characterized as an interconnection element and the motor of Piaget is characterized as a resistance element.

In order to illuminate the original breadth and scope of original claims 1 and 24 and the meanings of “interconnection assembly” and “interconnection member”, claims 1 and 24 are amended herein to clarify that the interconnection assembly is not a motor transmission. To wit, claims 1 and 24 recite that the interconnection assembly provides “pivotal movement of the first treadle assembly in a first direction causes pivotal movement of the second treadle assembly in a second direction opposite of the first direction.” These clarifying amendments show that the interconnection assembly and the operable coupling of at least one resistance element thereto is not the anticipated or rendered obvious by the motor and transmission of Piaget, as those structures drive the belts, but provide no coordinated pivotal movement of the treadle assemblies. We believe that the addition of the new language in claims 1 and 24 along with the remarks set forth above are sufficient to illustrate the scope of the claims and to show that Piaget does not teach or suggest an interconnection assembly, an interconnection member, or a resistance element, as recited in claims 1 and 24. Moreover, the amendments to claims 1 and 24 are not narrowing amendments related to patentability for the purposes of analysis of the doctrine of equivalents. Rather, these amendments simply recite the scope of claims 1 and 24

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as originally intended and believed clear in the light of the plain meaning, related dependent claims, and specification.

Thus, it is respectfully submitted that, for at least the reasons discussed above, Piaget does not teach or suggest all the limitations of independent claims 1 and 24. As such, claims 1 and 24 are patentable under 35 U.S.C. § 102(b) over Piaget. Claims 2 and 36 depend from and includes all of the limitations of claim 1, and claim 37 depends from and includes all the limitations of claim 24. Thus, for at least the same reason discussed above with regard to claims 1 and 24, it is believed that claims 2, 36, and 37 are patentable under 35 U.S.C. § 102(b) over Piaget.

Therefore, it is believed that claims 1, 2, 24, 36, and 37 are in form for allowance and such indication is respectfully requested.

#### V. Conclusion

For at least the reasons discussed herein, it is believed that all pending claims are in form for allowance, and such indication is respectfully requested.

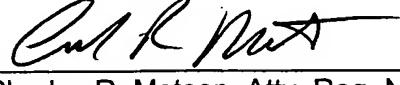
This Amendment and Response is submitted with a Request for Continued Examination and a petition for a one month extension of time to respond to the February 8, 2006 Office action, making this Amendment and Response due on or before Thursday, June 8, 2006. The Commissioner is hereby authorized to charge Deposit Account No. 04-1415 the amount of \$910.00 to cover the \$790.00 Request for Continued Examination fee and the \$120.00 one month extension of time fee. It is believed no further petitions or fees are due with respect to filing of this Amendment. Should any such petitions or fees be necessary, however, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 accordingly.

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Appl. No. 10/789,294  
Reply to Office action of February 8, 2006

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Charles R. Matson, Atty. Reg. No. 52,006  
DORSEY & WHITNEY LLP  
370 Seventeenth Street, Suite 4700  
Denver, Colorado 80202-5647  
Tel.: (303) 629-3400  
Fax: (303) 629-3450

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